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Law and Justice Interim Committee
63rd Montana Legislature
P.O. Box 201706
Helena, MT
September 2, 2014

My name is Tom Bastas; I am a retired private citizen living in Great Falls. I want to thank the committee Chair and the members for the opportunity to present my views and concerns regarding the proposed changes to the rules and regulations of the Montana Board of Parole and Pardons.

Over the last few years my wife and I have become members of the Barry Beach Freedom Walkers in our city. My concerns about our justice system in Montana are as a result of being exposed to his case. Where it may further my attempts at clarity; I may refer to a particular aspect of his case.

In reviewing the proposed changes to the MBOPP it appears you have worked hard to bring this issue into the sunshine. Your review and proposed rule changes to the methods of how the Montana Board of Pardons and Prison operates accomplishes the checks and balances which are the foundation of our democracy. As a layperson, I feel you have addressed and offered the citizens of Montana a positive change to a portion of the judicial system that sorely needs accountability and transparency. I am confident that these positive changes will make a difference in those cases that will come to the attention of the judicial system now and in the future.

As a former National President and CEO, I understand the difficulty of meeting all the needs associated with the responsibility of representing members or as in your case constituents. Obviously there simply is not enough time to do it all; so politics or organizations depend on citizen action committees, if not elected then appointed by community leaders.

As you are aware a letter from Governor Bullock to the Montana Board of Pardons and Parole, (MBOPP) suggested Mr. Beach was a strong candidate for parole and if the Board sent him a favorable recommendation for clemency, that he would carefully consider it under Montana Statutes. The letter was summarily dismissed.

In spite of overwhelming questions as to his possible innocence, by many in our communities and even by a District Judge, the board has continued to act unfavorably on a parole for Barry for 32 years. A member of this board has accused those in support

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Exhibit 7

of Barry "have strong opinions, but are short on facts". In my view this is totally unacceptable for an appointed official while performing official duties to ridicule duly elected officials, or the public, as justification for his conclusions.

The Montana Board of Pardons and Parole Members hold their power by the grace of the Governor who appoints them. However, as demonstrated here in Montana they ARE ACCOUNTABLE TO NO ONE. Their decisions are final, appeals or reviews of its rulings are not allowed under existing Montana law.

For the committee to demand accountability, by insisting an inmate admits guilt as a prime parole consideration, when they themselves have no accountability seems spurious at best. It makes one wonder why inmates in the Montana prisons are subjected to a committee that has such impunity. When justice is denied for one it is an injustice for all.

It defies accountability in government for appointed citizens serving on committees to wield more authority and power than the elected official who appoints them. They should only make recommendations to the Governor. The Chief Executive must be provided the appropriate review and oversight of committee decisions and have the final decision authority to ensure our judicial system is transparent and has accountability. Then and only then will our judicial system be truly accountable to the citizens of Montana.

Your proposed changes appear to be solid and well thought out and will provide equal and protective rights for anyone who may find themselves involved with the judicial system in Montana.

Thank you again for the opportunity to address my concerns to you. Thank you for your efforts and I hope that the Law and Justice Interim Committee members will unanimously vote to move this chain of authority legislation forward to the full Montana Legislature next session.

In closing I would leave you with one thought; if Montana needs a "gatekeeper" system, it belongs to the voters.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Bastas", written in a cursive style.

Thomas G. Bastas

Gayla L. Bastas
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Re: MBOPP proposed changes

I cannot think of anything more pressing in our legislature than maintaining a checks and balance system in the governing body in the State of Montana. It seems that we have a flaw in the management of the parole system in this state. I sincerely hope that you will recommend that this flaw be repaired.

Please recommend to the full Montana Legislature that the Governor have his just and rightful position with oversight on the MBOPP.

Thank you for your attention to this matter.



Gayla Bastas